



Order Filed on March 19, 2020  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in compliance with D.N.J. LBR 9004-1(b)

**HILL WALLACK LLP**

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*Attorneys for New Residential Mortgage, LLC  
d/b/a Shellpoint Mortgage Servicing*

In Re:

Terry A. DeSande and Linda A. DeSande,

Debtors.

Case No.: 19-13805 (CMG)

Chapter: 13

**ORDER RESOLVING CREDITOR'S CERTIFICATION OF DEFAULT**

The consent order set forth on the following pages, numbered two (2) through three (3), is hereby **ORDERED**.

**DATED: March 19, 2020**

A handwritten signature in cursive script, reading "Christine M. Gravelle", written in black ink.

Honorable Christine M. Gravelle  
United States Bankruptcy Judge

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Debtor: Terry A. DeSande and Linda A. DeSande

Case No: 19-13805 (CMG)

Caption: Order Resolving Creditor's Certification of Default

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Applicant:	<u>NewRez LLC dba Shellpoint Mortgage Servicing</u> <u>("Secured Creditor")</u>
Applicant's Counsel:	<u>Hill Wallack LLP</u>
Debtor's Counsel:	<u>Eugene D. Roth, Esq.</u>
Property Involved ("Collateral"):	<u>93 Eton Road, Toms River, NJ 08757</u>

Relief sought:

- ✓ Motion for relief from the automatic stay (Certification of Debtors' Default)
- Motion to dismiss
- Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion is resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- The Debtors are overdue for two (2) months, from November 1, 2019 to December 1, 2019 as of the filing of the Certification of Debtors' Default (December 31, 2019, 2019)
- The Debtors are now also overdue for one (2) months, January 1, 2020 and February 1, 2020 as of February 28, 2020
- The Debtor is overdue for four (4) payments at \$1,029.10 per month.
- Less funds held in Debtors' suspense \$0.00 for a total due for 4 months in the amount of \$4,116.40.
- Applicant acknowledges receipt of funds in the amount of \$4,116.40 received after the Certification of Debtors' Default was filed.

Total Arrearages Due \$0.00.

2. Debtors must cure all post-petition arrearages, as follows:

- Beginning on March 1, 2020, regular monthly mortgage payments shall continue to be made in the amount \$1,029.10.

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Debtor: Terry A. DeSande and Linda A. DeSande

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3. Payments to the Secured Creditor shall be made to the following address(es):

- ✓ Immediate payment: NewRez LLC d/b/a Shellpoint Mortgage Servicing  
P.O. Box 740039  
Cincinnati, OH 45274-0039
- ✓ Regular monthly payment: NewRez LLC d/b/a Shellpoint Mortgage Servicing  
P.O. Box 740039  
Cincinnati, OH 45274-0039
- ✓ Monthly cure payment: NewRez LLC d/b/a Shellpoint Mortgage Servicing  
P.O. Box 740039  
Cincinnati, OH 45274-0039

In the event of Default:

If the Debtor fails to make the immediate payment specified above or fail to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

4. Award of Attorneys' Fees:

- ✓ The Applicant is awarded attorney fees of \$200.00.

The fees and costs are payable through the Chapter 13 plan.

In re:  
Terry A. DeSande  
Linda A. DeSande  
Debtors

Case No. 19-13805-CMG  
Chapter 13

### CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Mar 19, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 21, 2020.  
db/jdb Terry A. DeSande, Linda A. DeSande, 93 Eton Ron, Toms River, NJ 08757

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Mar 21, 2020

Signature: /s/Joseph Speetjens

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### CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 19, 2020 at the address(es) listed below:

Albert Russo docs@russotrustee.com  
Denise E. Carlon on behalf of Creditor Ditech Financial LLC dcarlon@kmllawgroup.com,  
bkgroup@kmllawgroup.com  
Elizabeth K. Holdren on behalf of Creditor New Residential Mortgage, LLC d/b/a Shellpoint  
Mortgage Servicing eholdren@hillwallack.com, jhanley@hillwallack.com;hwbknj@hillwallack.com  
Eugene D. Roth on behalf of Debtor Terry A. DeSande erothesq@gmail.com  
Eugene D. Roth on behalf of Joint Debtor Linda A. DeSande erothesq@gmail.com  
Kevin Gordon McDonald on behalf of Creditor Ditech Financial LLC kmcdonald@kmllawgroup.com,  
bkgroup@kmllawgroup.com  
Laura M. Egerman on behalf of Creditor DITECH FINANCIAL LLC bkyecf@rasflaw.com,  
bkyecf@rasflaw.com;legerman@rasnj.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8